Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 08-25-03	Bureau/Station/Facility: Safe Streets Bureau	Admin. Invest.? ☐ Hit? ☒

Incident Information

URN: 003-14210-2608-013	Date: 08-20-03 Time: 0714
City or Station: Palmdale	Nature of Incident: While serving search and arrest warrants on the location, deputies were confronted by an armed suspect. While attempting to flee, the suspect pointed the firearm at deputy personnel who fired at the suspect, killing him.
Location: [redacted] East Avenue R-12 Palmdale, CA. 93550	

Location Type (*circle one or more*):	Lighting (*circle only one*):	Incident Type (*circle one or more*):	Initiated by (*circle only one*):
(Backyard) Beach Business Freeway Industrial Park Parking Lot Residence Rural School Street Other: ______	Darkness **(Daylight)** Other Street Lights	Accidental **(Armed Person)** **(Fleeing Suspect)** Foot Pursuit Gun Take Away Moving Vehicle Sniper/Ambush Startle Struggle Involved Traffic Stop Unarmed Person Unintentional Vehicle Pursuit **(Warrant Service)** Other: ______	**(Arrest Warrant)** Call Observation One Person Unit Other Search Warrant Two Person Unit
	Weather (*circle only one*): **(Clear)** Cloudy Fog Rain		Prior Activity (*circle only one*): Detective Inmate Transport **(Other)** Routine Patrol
	Distance: 20-30 feet		
Total # of Shots Fired by Deputy: 27	Total # of Shots Fired by Suspect: 0		Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Morgan	Richard	L	EM PM **(Day)**	**(Regular)** Overtime Off Duty
[redacted]	Maggiora	Steve		EM PM **(Day)**	**(Regular)** Overtime Off Duty
[redacted]	Costleigh	Michael		EM PM **(Day)**	**(Regular)** Overtime Off Duty

Non-Employee Witnesses

Last Name: [redacted]		First Name: [redacted]		M.I.	
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph: [redacted]	Home Ph	
Last Name: [redacted]		First Name: [redacted]		M.I. M	
Street Add[redacted]	City: [redacted]	Zip C[redacted]	[redacted]	[redacted]	
Last Name: [redacted]		First Name: [redacted]		M.I.	
Street Add[redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph	[redacted]	

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*):
[redacted]	Maggiora	Steve		**(On Duty)** **(Present during shooting)** **(Witness to shooting)** Involved in shooting
				On Duty Present during shooting Witness to shooting Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
	N/A		

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Basey	Drew	G

PSTD Use Only
SH # 2099405

Officer Involved Shooting

URN: 003-14210-2608-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
08-20-03	0945		

Employee #	Last Name	First Name	M.I
[redacted]	Cleary	John	T
[redacted]	Stunson	David	J
[redacted]	Seno	Bennett	W

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	FH	ZZ	22			NN	
S1	E2	FH	ZZ	22			NN	
S1	E3	FH	ZZ	22			NN	
S1	E4	FH	ZZ	22			NN	
S1	E5	FH	ZZ	22			NN	
E1	S1	FH	BR	9	Y	Y	NN	
E2	S1	FH	BR	9	Y	Y	NN	
E3	S1	FH	BR	9	Y	Y	NN	
E4	S1	FH	BR	9	Y	Y	GS	KN
E5	S1	FH	BR	9	Y	Y	GS	KN
E5	S1	FH	BR	9	Y	Y	GS	CH

Officer Involved Shooting
Involved Employee Information



URN: 003-14210-2608-013

Involved Employee

E 1

Field	Value
Employee #	[redacted]
Last Name	REYES
First Name	ANDREW
M.I.	
Sex	M
Race	H
Rank	DEPUTY
Unit Assignment	SAFE STREETS BUREAU
Work Assignment (Unit #, Module, etc.)	LANCASTER GET
ShiftTime (*circle only one*): EM PM Day	Day (circled)
ShiftType (*circle only one*): Regular Overtime Off Duty	Regular (circled)
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☒
Hrs of sleep prior to shooting	8
Duty Time (hrs)	[redacted]
Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Raid Jacket w/ Vest (circled)
Other Factors	
Age	36
Height	
Weight	
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	[redacted]
Number of Prior Shootings	[redacted]
Field Training Officer Emp # / Last Name / First Name / M.I.	
Field Training Officer Emp # / Last Name / First Name / M.I.	

E 2

Field	Value
Employee #	[redacted]
Last Name	HEINS
First Name	ROBERT
M.I.	D
Sex	M
Race	
Rank	DEPUTY
Unit Assignment	SAFE STREETS BUREAU
Work Assignment (Unit #, Module, etc.)	LANCASTER GET
ShiftTime (*circle only one*): EM PM Day	Day (circled)
ShiftType (*circle only one*): Regular Overtime Off Duty	Regular (circled)
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☐
Hrs of sleep prior to shooting	8
Duty Time (hrs)	[redacted]
Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Raid Jacket w/ Vest (circled)
Other Factors	
Age	39
Height	
Weight	
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	[redacted]
Number of Prior Shootings	[redacted]
Field Training Officer Emp # / Last Name / First Name / M.I.	
Field Training Officer Emp # / Last Name / First Name / M.I.	

E 3

Field	Value
Employee #	[redacted]
Last Name	MARBACH
First Name	MARK
M.I.	J
Sex	M
Race	W
Rank	DEPUTY
Unit Assignment	PALMDALE STATION
Work Assignment (Unit #, Module, etc.)	GET
ShiftTime (*circle only one*): EM PM Day	Day (circled)
ShiftType (*circle only one*): Regular Overtime Off Duty	Regular (circled)
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☒
Hrs of sleep prior to shooting	8
Duty Time (hrs)	[redacted]
Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Raid Jacket w/ Vest (circled)
Other Factors	
Age	35
Height	
Weight	
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	[redacted]
Number of Prior Shootings	[redacted]
Field Training Officer Emp # / Last Name / First Name / M.I.	
Field Training Officer Emp # / Last Name / First Name / M.I.	

Officer Involved Shooting
Involved Employee Information



URN: 003-14210-2608-013

Involved Employee

E 4

Field	Value
Employee #	[redacted]
Last Name	ROBINSON
First Name	DANNY
M.I.	L
Sex	M
Race:	
Rank	DEPUTY
Unit Assignment	SAFE STREETS BUREAU
Work Assignment (Unit #, Module, etc.)	LANCASTER GET
ShiftTime (*circle only one*): EM PM Day	Day (circled)
ShiftType (*circle only one*): Regular Overtime Off Duty	Regular (circled)
Intoxication/Drug Usage?	☐
Substance Used:	
Hospital Admission?	☐
Hospital Name:	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☒
Hrs of sleep prior to shooting	8
Duty Time (hrs):	[redacted]
Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Raid Jacket w/ Vest (circled)
Other Factors:	
Age	38
Height:	
Weight:	
Range Qualification Date:	[redacted]
PPC Qualification Date:	[redacted]
Laser Training Date:	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit:	[redacted]
Prior Shootings?	[redacted]
Number of Prior Shootings:	[redacted]
Field Training Officer Emp # / Last Name / First Name / M.I.	
Field Training Officer Emp # / Last Name / First Name / M.I.	

E 5

Field	Value
Employee #	[redacted]
Last Name	ZARRIS
First Name	PAUL
M.I.	A
Sex	M
Race:	
Rank	DEPUTY
Unit Assignment	LANCASTER STATION
Work Assignment (Unit #, Module, etc.)	GET
ShiftTime (*circle only one*): EM PM Day	Day (circled)
ShiftType (*circle only one*): Regular Overtime Off Duty	Regular (circled)
Intoxication/Drug Usage?	☐
Substance Used:	
Hospital Admission?	☐
Hospital Name:	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☐
Hrs of sleep prior to shooting	8
Duty Time (hrs):	[redacted]
Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Raid Jacket w/ Vest (circled)
Other Factors:	
Age	45
Height:	
Weight:	
Range Qualification Date:	[redacted]
PPC Qualification Date:	[redacted]
Laser Training Date:	
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit:	[redacted]
Prior Shootings?	[redacted]
Number of Prior Shootings:	[redacted]
Field Training Officer Emp # / Last Name / First Name / M.I.	
Field Training Officer Emp # / Last Name / First Name / M.I.	

E__

Field	Value
Employee #	
Last Name	
First Name	
M.I.	
Sex:	
Race:	
Rank	
Unit Assignment:	
Work Assignment (Unit #, Module, etc.):	
ShiftTime (*circle only one*): EM PM Day	
ShiftType (*circle only one*): Regular Overtime Off Duty	
Intoxication/Drug Usage?	☐
Substance Used:	
Hospital Admission?	☐
Hospital Name:	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☐
Hrs of sleep prior to shooting:	
Duty Time (hrs):	
Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	
Other Factors:	
Age:	
Height:	
Weight:	
Range Qualification Date:	
PPC Qualification Date:	
Laser Training Date:	
Certified with Weapon Used?	☐
Patrol Certification?	☐
Certification Unit:	
Prior Shootings?	☐
Number of Prior Shootings:	
Field Training Officer Emp # / Last Name / First Name / M.I.	
Field Training Officer Emp # / Last Name / First Name / M.I.	

Officer Involved Shooting
Suspect Information

URN: 003-14210-2608-013

Suspect Information

S 1

Last Name ZELAYA	First Name EDGAR	M.I. A
AKA Last Name	First Name	M.I.

Sex: M Race: H	Street Ad[redacted]	City [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #:	Driver's License #: [redacted]
Age: 18 D.O.B. 03/05/1985	Height: 508 Weight: 170	FBI # [redacted]	CII # [redacted]
Booking #	Primary Charge: 245(D)(1) P.C.	Secondary Charge:	
Coroner Case? ☒	Coroner Case # 2003-6300	Intoxication/Drug Usage? ☒	Substance Used: METHAMPHETAMINE
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? ☒
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
GUNNER	DAVID		EMPLOYEE #[redacted]			
DEARMAS	ERNIE		EMPLOYEE #[redacted]			
GRAHAM	SCOTT		EMPLOYEE #[redacted]			
GILLIS	ROBERT		EMPLOYEE #[redacted]			
MULDER	TIM		EMPLOYEE #[redacted]			
CULVER	MICHAEL		EMPLOYEE #[redacted]			
[redacted]	[redacted]		EMPLOYEE #[redacted]			

Investigative Narrative
Use of Force
Type: Deputy Involved Shooting, Suspect Deceased
I.A.B. File Number: SH 2099405
URN: 003-14218-2608-013
Date: 08/20/2003
Time: 0714 Hours
Location:[redacted] East Avenue R-12, Palmdale

On Wednesday, August 20, 2003, Sergeants John Cleary and David Stunson, along with Lieutenant Bennett Seno of the Internal Affairs Bureau, went to [redacted] Palmdale regarding a Deputy Involved Shooting involving personnel assigned to Lancaster Station, Palmdale Station and, Safe Streets Bureau. Lieutenant Joseph Hartshorne, Sergeant Chris Brackpool and Detective Margarita Barron of Homicide Bureau were on scene to conduct the criminal investigation.

This narrative is based upon information obtained from interviews of the involved personnel by both Homicide Bureau and Internal Affairs Bureau. The Homicide Bureau case file is included as Exhibit A.

Involved Personnel:

Reyes, Andrew	#[redacted]
Heins, Robert	#[redacted]
Marbach, Mark	#[redacted]
Robinson, Danny	#[redacted]
Zarris, Paul	#[redacted]

Employee Work History:

Deputy Reyes is a 13 year Department veteran who has been assigned to Safe Streets Bureau since March 25, 2001. [redacted]

Deputy Heins is a 13 year Department veteran who has been assigned to Safe Streets Bureau since March 25, 2001. [redacted]

Deputy Marbach is a 14 year Department veteran who has been assigned to Safe Streets Bureau since March 25, 2001. [redacted]

Deputy Robinson is a 12 year Department veteran who has been assigned to Lancaster Station since May 21, 2000. [redacted]

Deputy Zarris is a 13 year Department veteran who has been assigned to Lancaster Station since May 11, 1997. [redacted]

[redacted]

Suspect:
Zelaya, Edgar A. D.O.B. 03/05/1985
Suspect Zelaya was an eighteen year old male, Hispanic, who was a named suspect in a robbery.

Employee Witnesses:
Morgan, Richard #[redacted]
Maggiora, Steve #[redacted]
Costleigh, Michael #[redacted]
Gunner, David #[redacted]
Dearmas, Ernie #[redacted]
Graham, Scott #[redacted]
Gillis, Robert #[redacted]
Mulder, Tim #[redacted]
Culver, Michael #[redacted]
[redacted] #[redacted]

Non-Employee Witnesses:
[redacted]

Employee Witness Statements

Employee witnesses Morgan, Costleigh, Gunner, Dearmas, Graham and Gillis were assigned to the entry team. Their statements are essentially the same as the team sergeant, Sergeant Steve Maggiora.

Sergeant Maggiora said, that the personnel present were involved in the service of search and arrest warrants for the suspect, Edgar Zelaya. Suspect Zelaya was an active member of the, "Down as Fuck" (DAF) street gang in Palmdale. Suspect Zelaya had been identified in an armed robbery which had been committed recently in the area where the search warrant was served.

Sergeant Maggiora said he and Deputy Michael Costleigh formulated a plan to contain the residence at [redacted] East Avenue R-12, Palmdale, and, serve the warrants. Personnel from Operation Safe Streets, the Gang Enforcement Team, Lancaster Station and, Palmdale Station were identified to serve the warrant. Deputy District Attorney [redacted], Antelope Valley Court, accompanied the team as an observer.

On the morning of 08/20/2003, Sergeant Maggiora conducted a briefing of the personnel involved in the warrant service at Palmdale Station. They then drove to the area of [redacted] East Avenue R-12, Palmdale. Personnel took up their assigned positions. Sergeant Maggiora led the entry team up to the front door of the house and made the required, "Knock and Notice." Sergeant Maggiora noticed an open upstairs window directly above where he was standing. A male, Hispanic, matching the description of the suspect, appeared in the window and looked at him. Sergeant Maggiora said he yelled to the male that he was with the Sheriff's Department, he had a search warrant for the residence and, the male should go downstairs and open the door. Instead, the male ran from the open window.

A few seconds later, Sergeant Maggiora said he heard deputies positioned on the east side of the location yell, "He's coming out of the window, 417, he's got a gun." Sergeant Maggiora said he then heard the sound of gunfire. Not knowing if there were any other armed suspects in the house, he ordered his team to move into the residence and hold their positions. The team members did so. Once inside the house, he heard persons yelling for the suspect to stop and get on the ground. He then heard more gun shots being fired outside.

In that Sergeant Maggiora and his team were containing the inside of the residence at the time of the shooting, none of them saw what happened outside.

Employee Witness Mulder said he was assigned to contain the southeast corner of the property. As he was moving to that position, he heard loud knocking coming from the front of the location. The knock was followed by yelling and then the words, "417," indicating someone on containment saw the suspect and, he was armed. Deputy Mulder then heard several rounds of gunfire.

Deputy Mulder said, that at the time of the shooting, he was in the process of climbing a wall to access his assigned position. He looked back to the west and saw deputies firing into the back yard of the residence. However, from his position, he could not see who the deputies were firing at. He did not see the suspect until after the incident was over.

Employee Witness Culver said he was assigned to contain the northwest corner of the property. From his position he saw the, "knock and notice" being done by the entry team. He saw the male, Hispanic, in the upstairs window and heard the suspect running through the house. He said he then heard someone yelling, "Drop the Gun," twice. Deputy Culver heard gunfire coming from the east side of the house. He did not see the shooting.

Employee Witness [redacted] said he was also assigned to contain the southeast corner of the premises. As with Deputy Mulder, he was still making his way to the containment position when the shooting occurred. He heard gunfire but, did not see the shooting. After the shooting he, along with Deputies, Mulder, Zarris and Robinson, made their way to where the suspect fell after being shot. Upon reaching the suspect, Deputy [redacted] handcuffed him and watched him until being relieved at the scene by another deputy.

Non-Employee Witness Statements:

The following witnesses said they heard the "knock and notice by the deputies at the front door, heard the sound of gunfire a few seconds later but, did not see the shooting occur:

[redacted]

Witness [redacted], lives in the house directly [redacted] of the location. He was home with his children the morning the warrant was served. Mr. [redacted] property is up a slope from the Zelaya residence and overlooks the [redacted]. There is a [redacted] and Zelaya residence.

Mr. [redacted] said he was in his living room at about 7:05AM when he heard what sounded like fireworks going off. A few minutes later, he saw a person jump over the fence [redacted] from the Zelaya residence. The person in his yard wrestled with his dog and Mr. [redacted] could see the person was holding a handgun.

Mr. [redacted] said he went out to the back yard and, got his dog away from the person. He saw the deputies. They were telling the person to get down and cooperate. Fearing for his family's safety, he took the dog back into the house and got his children into a back bed room. From the bedroom he said he heard five to ten shots fired. He did not see the shooting.

Witness [redacted] is the [redacted] of the suspect and was asleep inside her bedroom on the second floor of the house when the deputies served the warrant. She said she was awakened by the sounds of yelling and gunfire outside her house. She recalls looking out the window and seeing uniformed deputy personnel outside her house.

She did not see the shooting. After the gunfire stopped, she was contacted by deputy personnel who told her they was a search warrant for the residence because of a robbery committed by her [redacted]

Witness [redacted] the [redacted] of the suspect, was at work when the warrants were served.

Witness [redacted] is a Deputy District Attorney assigned to prosecute street gang-related crime in the Palmdale area. He accompanied the Sheriff's Department personnel to [redacted] East Avenue R-12, Palmdale, to observe the service of the search warrant and witness the recovery of any evidence found at the location.

District Attorney [redacted] said he originally took up a position on a slope along the west wall of the property. He heard the, "Knock and Notice," followed by yelling and then gunfire. Once the gunfire began, he slid down slope from where he was standing and took cover behind the radio cars parked on the west side of the location. He did not see any personnel firing their weapons.

Involved Employee Statements

Deputy Heins said he was assigned to contain the northwest corner of the premises. Deputy Heins saw the suspect in the window. He then heard someone yell, "There's running inside the house." Deputy Heins said he then heard, "417" from the area where Deputies Marbach and Reyes were positioned on the eastside of and near the northeast of the target location.

Deputy Heins said he then ran to the northeast corner of the perimeter and where he heard deputies yelling, "Got a gun" and, "Drop the weapon." He looked into the back yard and saw the suspect running and stumbling in the middle of the yard. He saw the suspect point a gun in the direction of where Deputies Marbach and Reyes were standing. The suspect actions were followed by the sound of gunfire coming from the area where Deputies Marbach and Reyes were. Deputy Heins said he could not tell if the gunfire was coming from the suspect's weapon or the deputies weapons.

Deputy Heins saw the suspect scale a chain link fence which separated the back yard from the side yard. As he was scaling the fence, Deputy Heins said the suspect turned back toward him. Believing the suspect was about to fire at him, Deputy Heins fired three rounds at the suspect from his department issued Beretta, 9mm, handgun. The suspect turned away and scrambled into some brush between the east property line and a utility shed. After losing sight of the suspect, Deputy Heins ceased fire and took cover until he heard that the situation was secure.

A count of Deputy Heins ammunition showed he fired three rounds at the suspect.

Deputy Andrew Reyes was assigned a containment position on the east side of the location. He took a position behind a wooden fence near the northeast corner of the house. Deputy Reyes said he heard Sergeant Maggiora yell something at a person inside the house. He then saw a male jump out of a second story window and on top of a [redacted] on the east side of the house. Deputy Reyes said he could see the suspect was armed with a handgun. He yelled to the suspect to stop and also yelled, "417," so other personnel would know the suspect was armed.

Deputy Reyes said, the suspect jumped from the top of the [redacted] to the ground and pointed his gun at him. Believing the suspect was about to fire, Deputy Reyes fired three rounds from his department issued Beretta, 9mm, handgun. The suspect ran south and climbed over a chain link fence. As he was climbing, the suspect looked back and pointed his weapon in the direction of Deputy Reyes again. Deputy Reyes fired what he thought was two more rounds at the suspect. The suspect hopped off the fence and ran up a slope into some brush. After losing sight of the suspect, Deputy Reyes stopped firing and ran west to 35th Street East to stop the suspect from getting out of the containment. Once there, he heard the suspect was down in the back yard of the property [redacted] of the location. He went there, saw the suspect on the ground and helped handcuff him. He waited there for the arrival of paramedics.

A count of Deputy Reyes ammunition showed he fired four rounds at the suspect.

Deputy Mark Marbach was with Deputy Reyes on the east side of the location. Deputy Marbach's statement is the same as Deputy Reyes. Deputy Marbach said he fired two to three rounds at the suspect after the suspect had pointed his firearm at him the first time and then two to three more rounds when the suspect pointed his gun at him while climbing the fence.

A count of Deputy Marbach's ammunition showed he fired six rounds at the suspect.

Deputy Danny Robinson was assigned a containment position covering the backyard of the residence from the south west corner of the location. He said heard yelling and then, "417" coming from the east side of the house. He then heard the sound of gunfire. He said he saw the suspect, with his back to him, near a chain link fence east of him. Believing the gunfire was coming from the suspect's weapon. Deputy Robinson fired one or two rounds at the suspect from his department-issued Beretta, 9mm, handgun. He saw the suspect run behind a shed in the back yard and out of sight.

The suspect then emerged from behind the shed and scrambled up a slope to the south. Deputy Robinson said he saw the suspect begin to turn in his direction. Deputy Robinson fired three or four more rounds at the suspect. The suspect turned away and tried to climb up a wooden fence separating the back yard from the property to the [redacted] He saw the suspect slump as he went over the fence. Deputy Robinson jumped the wall he was concealed behind and, began to approach the suspect. The suspect was in a seated position with his hands in his lap. A handgun was in the suspect's left hand. Deputy Robinson said he saw the suspect begin to raise his left hand. As he did, Deputy Robinson fired one round, striking the suspect in the torso. As the suspect was hit, the Suspect threw the firearm in a northeast direction over the fence which he had climbed over.

A count of Deputy Robinson's ammunition showed he fired six rounds at the suspect.

Deputy Paul Zarris was assigned a containment position with Deputy Robinson. His statement is similar at Deputy Robinson's with the following exceptions:

After hearing the initial rounds of gunfire, Deputy Zarris saw the suspect in the backyard pointing a handgun toward where Deputies Marbach and Reyes would have been. Believing the suspect was firing at deputies, Deputy Zarris fired five to six rounds at the suspect.

As the suspect moved [redacted] toward the fence separating the properties, he turned toward Deputy Zarris. Deputy Zarris fired six more rounds at the suspect. The suspect began to stumble as he climbed the slope toward the [redacted] fence line, leading Deputy Zarris to believe he had shot the suspect. He and Deputy Robinson moved up to see where the suspect was and found him in the adjacent back yard. He saw the suspect sitting on his knees in some weeds. The suspect was ordered to show his hands and, when he did not comply, Deputy Zarris saw Deputy Robinson fire one round at the suspect. He then saw the suspect throw his weapon over the fence to the northeast. Not knowing if the suspect was armed with another weapon, the deputies kicked a hole in the wooden fence and took cover behind it. Deputy Zarris said he heard the suspect say, "You killed me." The suspect then went down to the ground on his hands and knees.

Deputy Zarris, along with other deputies, approached the suspect and handcuffed him. Deputy Zarris found the suspect had what he described as a "shallow" pulse. Paramedics were brought up to treat the suspect as soon as it was announced the house was secure. The suspect was pronounced dead at the scene.

According to a Homicide Bureau report, Homicide Sergeant Brackpool checked Deputy Zarris' duty weapon, a Beretta Model 92F and found one (1) live round in the chamber and fifteen (15) live rounds in the magazine inside the weapon. Sergeant Brackpool found a second magazine which contained two (2) live rounds in a second magazine that Deputy Zarris exchanged after the shooting incident.